

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

----- X

In re:

Michael Krichevsky,

Debtor.

Case No.: 8-22-71045-ast

Chapter 11

----- X

**ORDER DENYING DEBTOR'S MOTION FOR
STAY PENDING APPEAL**

On June 6, 2019, Michael Krichevsky, the above-referenced debtor (the "Debtor"), filed a petition for relief under Chapter 13 of the Bankruptcy Code [dkt item 1].

On October 4, 2019, the Debtor voluntarily converted his case to a case under Chapter 11 [dkt item 26].

On June 30, 2022, the Court entered an amended order scheduling a hearing on the following matters [dkt item 294]: Select Portfolio Servicing, Inc. as servicer for U.S. Bank NA, successor trustee to Bank of America NA, successor in interest to LaSalle Bank NA, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2005-AR15 ("Select Portfolio"), Motion to Dismiss [dkt item 249]; Declaration of James N. Faller on behalf of Wells Fargo Bank, N.A. as servicing agent for U.S. Bank National Association, as Trustee for Banc of America Funding Corporation Mortgage Pass-Through; and Certificates, Series 2006-F ("Wells Fargo"), joining in the Motion to Dismiss at Dkt. Item 249 [dkt item 257]; and United States Trustee's Motion to Convert Chapter 11 Case to a Case Under Chapter 7, or in the Alternative, to Dismiss Chapter 11 Case [dkt item 292] (Collectively, the "Motions to Dismiss").

On July 22, 2022, Select Portfolio filed an emergency motion to quash subpoenas attempted to be served by Debtor, along with a request for permanent injunction and for civil contempt, seeking a hearing on shortened notice (the "Select Portfolio Motions") [dkt item 310].

On July 25, 2022, Wells Fargo filed a declaration in support the Select Portfolio Motions along with its own motion to quash subpoenas from debtor (the “Wells Fargo’s Motion”) [dkt item 316].

On July 27, 2022, Woods Oviatt Gilman LLP, attorneys for various defendants in Adv. Pro. No.: 22-08036-AST¹ also filed a declaration in support the Select Portfolio Motions along with a motion to quash subpoenas filed by the Debtor against those defendants. (the “Woods Motion”) [dkt item 316].

On July 27, 2022, Elipiniki M. Bechakas also filed a motion to quash a subpoena from Debtor (the “Bechakas Motion”) [dkt item 318].

Collectively the Motions to Dismiss, the Select Portfolio Motions, the Woods Motion, the Wells Fargo’s Motion, and the Bechakas Motion are referred to as the “Matters”.

On July 28, 2022, this Court held hearings on the Matters. This was a final hearing on the Motions to Dismiss and an initial hearing on the various motions related to Debtor’s improper efforts to serve subpoenas, most of which related to Debtor’s efforts to serve subpoenas at the residences of various attorneys, in direct violation of two orders previously entered by this Court on May 28, 2021 [dkt item 124] and June 15, 2021 [dkt item 146].

Debtor did not appear at the July 28 hearings.

On August 8, 2022, the Court entered the following orders: Order granting Woods Oviatt Gilman LLP’s motion to quash [dkt item 332]; Order granting motion for civil contempt, for injunctive relief and to quash subpoenas [dkt item 333]; and Order dismissing Chapter 11 case and setting hearing to consider prejudicial dismissal [dkt item 334].

¹ Woods Oviatt Gilman, LLP, Donald W. O’Brien, Jr., Natalie A. Grigg, Aleksandra K. Fugate, Brittany Maxon, David Bruce Wildermuth, Brettanie L. Hart Saxton, Victoria E. Munian, Michael Thomas Jablonski, and Miranda L. Sharlette aka Miranda Jakubec.

On August 16, 2022, the Debtor filed his motion for stay order pending appeal (the “Motion for Stay”) [dkt item 342]. The Motion to Stay is vague as to which Orders Debtor sought to stay pending appeal.

On August 22, 2022, Woods Oviatt Gilman LLP filed an affirmation in opposition to the Motion for Stay [dkt item 344].

On August 23, 2022, the United States District Court for the Eastern District of New York denied a request for a stay pending appeal sought by Debtor [dkt item 346].

On August 30, 2022, the Court held a hearing on the balance of the Matters which were not resolved at the July 28 hearings. Debtor again did not appear. At the conclusion of the August 30 hearings, the Court announced its ruling on the pending Matters, including the Motion to Stay.

NOW, THEREFORE, for the reasons set forth on the record at the August 30, 2022 hearing, it is

ORDERED, that the Motion for Stay is denied.

Dated: September 8, 2022
Central Islip, New York




Alan S. Trust
Chief United States Bankruptcy Judge